

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO et al.,

Debtors.<sup>1</sup>

PROMESA

Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

ORDER GRANTING O'NEILL & BORGES LLC'S MOTION TO  
STRIKE INFORMATIVE MOTION FILED BY CARLOS LAMOUTTE

The Court has received and reviewed the *O'Neill & Borges LLC Motion to Strike Carlos Lamoutte's (So-Called) "Informative Motion Regarding Shared Conflictive Connections of Professional Persons Employed by the Financial Oversight and Management Board for Puerto Rico, and Supplement to the 'Motion to Intervene and to Inform the Existence and Continuance of an Unresolvable Conflict of Interest in Violation of the Puerto Rico Recovery Accuracy in Disclosures Act of 2021, 48 U.S.C. § 2101 et seq., and Petition for: (A) the Permanent Disqualification of O'Neill & Borges, LLC as Legal Counsel to the Financial Oversight and Management Board for Puerto Rico, and (B) the Disallowance and Disgorgement of Legal Fees,' Docket Entry No. 20873" at Docket Number 21854 (Docket Entry No. 21938 in Case No. 17-3283)*<sup>2</sup> (the "Motion to Strike"), filed by O'Neill & Borges LLC ("O'Neill & Borges").

The Motion to Strike asks the Court to enter an order striking a pleading filed by Carlos Lamoutte (Docket Entry No. 21854) (the "Informative Motion"), titled as an informative

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> All docket entry references herein are to the docket of Case No. 17-3283.

motion, concerning a motion filed by Mr. Lamoutte (Docket Entry No. 20873) (the “Motion to Disqualify”) that was fully briefed by the parties and remains sub judice.

The Informative Motion is essentially a sur-reply. (See Info. Mot. at 2 (stating that the Informative Motion is “submit[ted] . . . in relation to the forthcoming adjudication” of the Motion to Disqualify).) Section III.L of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* (Docket Entry No. 20190-1) provides that “[s]ur-replies shall not be permitted or considered unless authorized by the Court.” The Court has reviewed the Informative Motion and the material appears to either restate arguments and factual allegations already thoroughly addressed in briefing the Motion to Disqualify (see Info. Mot. ¶¶ 1, 7, 10-13, 15-18) or to raise new arguments and factual allegations that are outside the scope of the Motion to Disqualify. (See Info. Mot. ¶¶ 2-6, 8-9, 14.) As such, were the Court to construe the Informative Motion as a request to file a sur-reply, the Court would deny such request.

Accordingly, the Informative Motion is hereby stricken. This Order resolves Docket Entry No. 21938 in Case No. 17-3283.

SO ORDERED.

Dated: August 30, 2022

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge